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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KEITH E. MOLL, WADE H. TOUBASSI, SILING HE,
LARRY DEMOSS, and SCOTT B. WILSON

Appeal 2007-3609
Application 09/826,139
Technology Center 2600

Decided:

Before ANITA PELLMAN GROSS, MAHSHID D. SAADAT, and
SCOTT R. BOALICK, *Administrative Patent Judges*.

GROSS, *Administrative Patent Judge*.

DECISION ON APPEAL
STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from the Examiner's Final Rejection of claims 2 through 15, which are all of the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

Appellants' invention relates generally to a method for providing location based information to a mobile phone. Claim 4 is illustrative of the claimed invention, and it reads as follows:

4. A method for providing location based information to a mobile station in communication with a cellular wireless system, the method comprising the steps of:

receiving a request for location based information regarding a service, the request including a service identifier, wherein the service identifier is associated with the service;

associating a level of granularity with the service identifier;

based on the service identifier, instructing the cellular wireless system to determine the position of the mobile station at the associated level of granularity;

receiving a position of the mobile station;

associating a provider-defined region with the position of the mobile station and with the service identifier; and

retrieving the location based information, wherein the location based information is associated with the provider-defined region.

The prior art references of record relied upon by the Examiner in rejecting the appealed claims are:

Alperovich	US 6,233,448 B1	May 15, 2001 (filed July 22, 1998)
Papadimitriou	US 6,385,458 B1	May 07, 2002 (filed Dec. 10, 1999)
Caughran	US 2002/0107029 A1	Aug. 08, 2002 (filed Feb. 05, 2001)
Moore	US 6,434,381 B1	Aug. 13, 2002 (filed Mar. 08, 2000)
Chern	US 2003/0060211 A1	Mar. 27, 2003 (filed Aug. 27, 1999)
Richton	US 6,650,902 B1	Nov. 18, 2003 (filed Nov. 15, 1999)

Claims 2, 4, 6, 7, 10, and 11 stand rejected under 35 U.S.C. § 103 as being unpatentable over Moore in view of Papadimitriou.

Claim 3 stands rejected under 35 U.S.C. § 103 as being unpatentable over Moore in view of Papadimitriou and Caughran.

Claim 5 stands rejected under 35 U.S.C. § 103 as being unpatentable over Moore in view of Papadimitriou and Alperovich.

Claims 8 and 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over Moore in view of Papadimitriou and Chern.

Claim 9 stands rejected under 35 U.S.C. § 103 as being unpatentable over Moore in view of Papadimitriou, Chern, and Richton.

Claim 12 stands rejected under 35 U.S.C. § 103 as being unpatentable over Richton in view of Papadimitriou.

Claims 13 and 14 stand rejected under 35 U.S.C. § 103 as being unpatentable over Richton in view of Papadimitriou, Caughran and Chern.

We refer to the Examiner's Answer (mailed May 18, 2006) and to Appellants' Brief (filed February 22, 2006) and Reply Brief (filed July 11, 2006) for the respective arguments.

SUMMARY OF DECISION

As a consequence of our review, we will reverse the obviousness rejections of claims 2 through 15.

OPINION

Independent claim 4 recites, in pertinent part, a request for location based information regarding a service, the request including a service identifier, associating a level of granularity with the service identifier, and

determining the position of the mobile station at the associated level of granularity. The Examiner asserts (Ans. 3) that the claimed service identifier is satisfied by a profile corresponding to a mobile station, the profile being described by Moore (col. 5, ll. 6-12) as a set of custom categories for the mobile station. The Examiner admits (Ans. 4) that Moore fails to disclose associating a level of granularity with the service identifier. Thus, the Examiner (Ans. 4) turns to Papadimitriou. Using Papadimitriou's location request as the claimed service identifier, the Examiner asserts that Papadimitriou associates a level of granularity with the service identifier by basing the precision of a location estimate on priority information.

Appellants contend (App. Br. 6-8) that the Examiner's rejection is internally inconsistent and that Papadimitriou teaches away from including a service identifier that determines the level of granularity in the request for location based information. The issue before us is whether the combination of Moore and Papadimitriou teaches or suggests the steps of receiving a request for location based information regarding a service, the request including a service identifier, associating a level of granularity with the service identifier, and determining the position of the mobile station at the associated level of granularity.

Moore discloses (col. 2, ll. 40-48) that local information and services are limited to a particular category of information and services last accessed by the mobile phone when the request includes an indication that the category of services last requested is desired. The request for services includes the category of services, which can be considered a service identifier. However, as admitted by the Examiner, Moore fails to disclose associating a level of granularity with the service identifier.

Papadimitriou discloses (col. 5, l. 49-col. 6, l. 7) that a user subscribes to a priority level for a terminal device. When a user requests the location of the terminal device, the user is requested to enter a desired priority level which is lower than or equal to the subscribed level. Papadimitriou discloses (col. 6, ll. 40-44) that the precision of the location estimation is based on the priority level. Papadimitriou discloses (col. 6, ll. 44-49) that higher precision requires more processing power and resources. Thus, users subscribe to priority levels according to the amount they are willing to pay, and vendors can use the priority levels as a way to distinguish their services from one another. (*See* Papadimitriou, col. 7, ll. 12-13 and col. 9, ll. 5-7). Assuming Papadimitriou's priority level can be considered the claimed level of granularity, the level of granularity is selected by the user for a particular terminal device. Papadimitriou does not associate the priority level with a service identifier such as a service category. Since Moore does not mention granularity, and Papadimitriou bases granularity, or priority level, on a user's selection for a particular terminal device, the combination fails to teach or suggest associating a level of granularity with the service identifier. Accordingly, the Examiner has failed to establish a prima facie case of obviousness for independent claim 4 and its dependents, claims 2, 6, 7, 10, and 11, and we cannot sustain the rejection of claims 2, 4, 6, 7, 10, and 11 over Moore and Papadimitriou.

The Examiner adds, to the combination of Moore and Papadimitriou, Caughran for dependent claim 3 (Ans. 6), Alperovich for dependent claim 5 (Ans. 7), and Chern for dependent claims 8 and 15 (Ans. 7-9). Caughran, Alperovich, and Chern make no mention of granularity. Therefore, none of the three references cures the deficiency of the primary combination.

Consequently, we cannot sustain the obviousness rejections of claims 3, 5, 8, and 15.

Independent claim 9 includes the same limitations discussed *supra* with respect to claim 4. In particular, claim 9 recites associating a level of granularity with a service identifier that is included in a request for location based information about a service. The Examiner (Ans. 9-11) rejects claim 9 over Moore, Papadimitriou, Chern, and Richton. As indicated *supra*, Moore and Papadimitriou fail to disclose or suggest associating a level of granularity with a service identifier, and Chern makes no mention of granularity. Richton also includes no discussion of granularity. Accordingly, Chern and Richton cannot overcome the shortcomings of the primary combination, and we cannot sustain the obviousness rejection of claim 9.

Independent claim 12, like claim 4, recites, in pertinent part, a request for location based information regarding a service, the request including a service identifier, associating a level of granularity with the service identifier, and determining the position of the mobile station at the associated level of granularity. For rejecting independent claim 12, the Examiner (Ans. 11-13) combines Richton with Papadimitriou. The Examiner (Ans. 12) refers to Richton, column 3, lines 9-28, as disclosing the claimed step of receiving a request for location based information regarding a service. The Examiner does not indicate what in Richton corresponds to the claimed service identifier. The Appellants contend (App. Br. 10) that Richton fails to teach that a request for information includes a service identifier associated with a service and that Papadimitriou fails to cure the deficiency. The issue before us is whether the combination of Richton and

Papadimitriou teaches or suggests the above-noted limitations of a request including a service identifier and associating a level of granularity with the service identifier.

The portion of Richton referenced by the Examiner discloses location based services which might be sent to a wireless mobile unit such as email, traffic information, airline schedule information, and remote location information of an airport or office. Also, a location based preferences server might maintain a profile of each user's preferences. Assuming, *arguendo*, that the categories of information that might be requested by a wireless mobile unit constitute service identifiers, Richton, as admitted by the Examiner (Ans. 12) does not disclose associating a level of granularity with the service identifiers. As discussed *supra*, Papadimitriou at best discloses that a level of granularity (a priority level) is selected by the user for a particular terminal device. Papadimitriou does not associate the priority level with a service identifier such as a service category. Since Richton does not mention granularity, and Papadimitriou bases granularity, or priority level, on a user's selection for a particular terminal device, the combination fails to teach or suggest associating a level of granularity with the service identifier. Therefore, we cannot sustain the obviousness rejection of claim 12 over Richton and Papadimitriou.

Independent claim 13 includes the same limitations found lacking from Richton and Papadimitriou. The Examiner adds Caughran and Chern to Richton and Papadimitriou to reject claim 13 and dependent claim 14. As indicated *supra*, neither Caughran nor Chern makes mention of granularity. Therefore, Caughran and Chern fail to remedy the shortcomings of the

primary combination, and we cannot sustain the obviousness rejection of claims 13 and 14.

ORDER

The decision of the Examiner rejecting claims 2 through 15 under 35 U.S.C. § 103 is reversed.

REVERSED

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